

M E M O R A N D U M

July 22, 1994

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** Bill 29-94, Collective Bargaining - Fire/Rescue Unit
- Impasse Resolution

Bill 29-94, Collective Bargaining - Fire/Rescue Unit - Impasse Resolution, sponsored by Councilmember Leggett, is scheduled for introduction on July 26, 1994. The bill requires impasses in the fire/rescue collective bargaining unit to be settled by last best offer binding arbitration, either for the contract as a whole or an issue-by-issue basis.

This packet contains:

Bill 29-94

Legislative Request Report

Circle #

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Bill No.: 29-94
Concerning: Collective Bargaining
 - Fire/Rescue Unit
 - Impasse Resolution
Draft No. & Date: 3 7/21/94
Introduced: July 26, 1994
Expires: January 26, 1996
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Leggett

AN ACT to:

- (1) require binding arbitration of certain impasses in collective bargaining for the fire/rescue collective bargaining unit; and
- (2) generally amend the process for resolving collective bargaining impasses in the fire/rescue collective bargaining unit.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Section 33-108

EXPLANATION: **Boldface** indicates a heading or a defined term
Underlining indicates text that is added to existing law by the original bill
[Single boldface brackets] indicate text that is deleted from existing law by the original bill
Double underlining indicates text that is added to the bill by amendment
[[Double boldface brackets]] indicate text that is deleted from existing law or the bill by amendment
* * * indicates existing law unaffected by the bill

The County Council for Montgomery County, Maryland, approves the following act:

1 Sec. 1. Section 33-108 is amended as follows:

2 33-108. Bargaining, impasse, fact-finding, and legislative procedures.

3 * * *

4 (g) (1) With respect to the fire/rescue bargaining unit, when
5 an impasse is reached, instead of the process required
6 by subsections (e)-(f), the mediator/fact-finder must
7 require each party to submit a final offer, consisting
8 either of a complete draft of a proposed collective
9 bargaining agreement or a complete package proposal,
10 as the mediator/fact-finder directs. If only complete
11 package proposals are required, the parties must
12 submit jointly a memorandum of all items previously
13 agreed upon.

14 (2) The mediator/fact-finder may, in the
15 mediator/fact-finder's discretion, require the parties
16 to submit evidence or argue orally or in writing in
17 support of their proposals. The mediator/fact-finder
18 may hold a hearing on the proposals at a time, date
19 and place selected by the mediator/fact-finder. This
20 hearing must not be open to the public.

21 (3) The mediator/fact-finder must select the more
22 reasonable final offer, in the mediator/fact-finder's
23 judgment, as a whole or on each issue in dispute. The
24 offer or offers selected by the mediator/fact-finder,
25 integrated with previously agreed upon items, becomes
26 the final agreement between the employer and the
27 certified representative without ratification by the

28 parties, and has the force and effect of a contract
 29 voluntarily entered into.

30	[(g)] (h)	*	*	*
31	[(h)] (i)	*	*	*
32	[(i)] (j)	*	*	*
33	[(j)] (k)	*	*	*
34	[(k)] (l)	*	*	*

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36 **Approved:**

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38	_____	_____
39	William E. Hanna, Jr., President, County Council	Date

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41 **Approved:**

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43	_____	_____
44	Neal Potter, County Executive	Date

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47 This is a correct copy of Council action.

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49	_____	_____
50	Kathleen A. Freedman, CMC	Date

51 Secretary of the Council

52 667/LAW/1-3

LEGISLATIVE REQUEST REPORT

Bill 29-94

Collective Bargaining - Fire/Rescue Unit - Impasse Resolution

DESCRIPTION: Requires impasses in the fire/rescue collective bargaining unit to be settled by last best offer binding arbitration, either for the contract as a whole or an issue-by-issue basis.

PROBLEM: Need to improve the bargaining process for fire/rescue employees and make it consistent with other public safety personnel.

GOALS AND OBJECTIVES: To adapt the collective bargaining process for fire/rescue employees to a more appropriate model for public safety personnel.

COORDINATION: Office of Human Resources, Office of Management and Budget, Department of Fire and Rescue Services, Fire and Rescue Commission

FISCAL IMPACT: to be requested

ECONOMIC IMPACT: to be requested

EVALUATION: to be requested

EXPERIENCE ELSEWHERE: to be researched

SOURCE OF INFORMATION: Michael Faden, Council staff, 217-7905

APPLICATION WITHIN MUNICIPALITIES: Applicable Countywide

PENALTIES: None

667/LAW/4